

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUN 20 2005

CLERK, U.S. DISTRICT COURT
By _____ Deputy

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

STEVEN NEUBERT, #535152,
Plaintiff,

v.

MEDICAL ADMINISTRATOR,
University of Texas Medical Branch, et al.,
Defendants.

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3:05-CV-0393-H

ORDER

After making the independent review required by 28 U.S.C. § 636(b), the Court finds that the Findings, Conclusions and Recommendation of the Magistrate Judge are correct, and they are adopted as the findings and conclusions of the Court.

IT IS, THEREFORE, ORDERED that the Findings, Conclusions and Recommendation of the Magistrate Judge are ADOPTED, and that Plaintiff's retaliation claim against Defendant Deanna Fetner is DISMISSED without prejudice for failure to exhaust administrative remedies.

See 42 U.S.C. § 1997e(e).

IT IS FURTHER ORDERED that service of process be issued on Plaintiff's medical care claims as to the following Defendants:

- The Medical Administrator of the University of Texas Medical Branch, 301 University Blvd., Galveston, Texas 77555-1007
- Dr. Steven Bowers, Dallas Medical Director, 3818 Cedar Springs Road, Dallas, Texas 75219
- Dr. Barry Raff, Unit Medical Department, 1100 Highway 1807, Venus, Texas 76084.
- Physical Assistant Amanda Babbill, Unit Medical Department, 1100 Highway 1807,

Venus, Texas 76084.

Since Plaintiff was previously granted leave to proceed *in forma pauperis*, the Court Clerk shall prepare and issue SUMMONS for the above named Defendants and deliver the same to the United States Marshal for service of process pursuant to Rule 4, Federal Rules of Civil Procedure, along with a copy of the complaint, Plaintiff's answers to the magistrate judge's questionnaire filed on April 15, 2005, Plaintiff's memorandum in support filed on April 15, 2005, and the recommendation of the magistrate judge.

Signed this 20 day of June, 2005.


FAYE PAUL LUNDY
UNITED STATES DISTRICT JUDGE